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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 SAMUEL KENNETH PORTER, 1:10-cv-01105-JLT (HC)  
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13 Petitioner, ORDER TRANSFERRING CASE TO THE  
14 vs. UNITED STATES DISTRICT COURT FOR  
15 C.D.C.R., THE SOUTHERN DISTRICT OF  
16 Respondent. CALIFORNIA  
17 \_\_\_\_\_ /  
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19 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28  
20 U.S.C. § 2254.

21 The federal venue statute requires that a civil action, other than one based on diversity  
22 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants  
23 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions  
24 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is  
25 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which  
26 the action may otherwise be brought.” 28 U.S.C. § 1331(b).

27 In this case, the petition concerns events that occurred and conduct by prison personnel working  
28 at Calipatria State Prison, Calipatria, California. Calipatria State Prison is located in Imperial County,

1 which lies within the Southern District of California. Therefore, the petition should have been filed in  
2 the United States District Court for the Southern District of California. In the interest of justice, a  
3 federal court may transfer a case filed in the wrong district to the correct district. See 28 U.S.C. §  
4 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
6 District Court for the Southern District of California.

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8 IT IS SO ORDERED.

9 Dated: June 23, 2010

/s/ **Jennifer L. Thurston**

UNITED STATES MAGISTRATE JUDGE

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